

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BELINDA WHEELER, individually and on behalf of
all others similarly situated,

Plaintiff,

-against-

THE TOPPS COMPANY, INC.,

Defendant.

Index No. 1:22-cv-02264

NOTICE OF MOTION

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(b)(6), and upon the concurrently filed Memorandum of Law, Defendant The Topps Company, Inc. respectfully moves this Court for an Order dismissing with prejudice Plaintiff's First Amended Class Action Complaint for failure to state a claim upon which relief can be granted, and for such other and further relief as the Court deems just, necessary, and proper.

Dated: New York, New York
June 22, 2022

Respectfully submitted,

/s/ Paul R. DeFilippo

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